

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**WILLIAM M. CHEESMAN,**

**CASE NO.:** 2:21-cv-02979-DCN

**Plaintiff,**

**vs.**

**MILLWORK ARTISANS, LLC,**

**Defendant.**

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, WILLIAM M. CHEESMAN (“Plaintiff”), by and through the undersigned counsel, sues the Defendant, MILLWORK ARTISANS, LLC (hereinafter collectively referred to as “Defendant”, and alleges:

1. Plaintiff, WILLIAM M. CHEESMAN, was an employee of Defendant, and brings this action for unpaid overtime compensation, and declaratory relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 216(b) (“FLSA”).

**GENERAL ALLEGATIONS**

2. Plaintiff was employed by Defendant from February of 2015 to July of 2021.

3. Plaintiff performed work for Defendant in Charleston, South Carolina, among other locations.

4. Defendant, MILLWORK ARTISANS, LLC, is a South Carolina Limited Liability Corporation that operates and conducts business in, among others, Charleston County, South Carolina and is therefore, within the jurisdiction of this court.

5. This action is brought under the FLSA to recover from Defendant overtime

compensation, liquidated damages, and reasonable attorneys' fees and costs.

6. This Court has jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1331 and the FLSA and the authority to grant declaratory relief under the FLSA pursuant to 28 U.S.C. §2201 et seq.

7. During Plaintiff's employment with Defendant, Defendant earned more than \$500,000.00 per year in gross sales.

8. During Plaintiff's employment with Defendant, Defendant employed two or more employees which handled goods, materials and supplies which had travelled in interstate commerce.

9. Included in such goods, materials and supplies were construction materials and supplies, ladders, vehicles, office equipment and furniture, as well as numerous other goods, materials and supplies which had been carried in interstate commerce.

10. Therefore, Defendant, MILLWORK ARTISANS, LLC, is an enterprise covered by the FLSA, and as defined by 29 U.S.C. §203(r) and 203(s).

### **FLSA VIOLATIONS**

11. At all times relevant to this action, Defendant failed to comply with the FLSA by not paying him full overtime compensation for overtime hours worked.

12. While working for Defendant, Plaintiff was paid by the hour as an industrial painter.

13. Plaintiff's duties included painting high-end residential homes in the Charleston, South Carolina area.

14. Throughout his employment with Defendant, Plaintiff routinely worked over forty (40) hours per week.

15. Initially, when Plaintiff began working for Defendant, he was paid time and one-half of his regular hourly rate for overtime hours.

16. However, starting in 2017 to his departure from the company in July of 2021, Plaintiff stopped receiving time and one-half overtime compensation for overtime hours and instead only received straight time pay for any hours worked over (40) hours per week.

17. If Plaintiff worked overtime hours, he was only paid his regular hourly rate for such overtime hours worked, not the full overtime rate.

18. Plaintiff's work was full-time employment which caused him to work overtime hours on a regular basis.

19. Plaintiff would be assigned by Defendant to paint various high-end residential homes and apply the finishing paint on the hurricane windows the company manufactured.

20. Defendant failed to pay Plaintiff proper overtime compensation for all overtime hours worked.

21. Based upon the above practices, Defendant has violated the FLSA by failing to pay complete overtime pay for each hour worked over forty (40) per week.

### **COUNT 1 – RECOVERY OF OVERTIME COMPENSATION**

22. Plaintiff reincorporates and readopts all allegations contained within Paragraphs 1-21 above.

23. Plaintiff worked in excess of forty (40) hours per week.

24. Plaintiff was not properly compensated at the statutory rate of one and one-half times his regular rate of pay for all hours that he worked in excess of forty (40) hours each workweek from 2017 to 2021.

25. Plaintiff is entitled to be paid at the statutory rate of one and one-half times Plaintiff's regular rate of pay for those hours worked in excess of forty (40) hours in a workweek.

26. At all times material hereto, Defendant failed, and continues to fail, to maintain proper time records as mandated by the FLSA.

27. Defendant's actions were willful and/or manifested a reckless disregard for the provisions of the FLSA as evidenced by its failure to compensate Plaintiff at the statutory rate of one and one-half times Plaintiff's regular rate of pay for his hours worked in excess of forty (40) hours per work week when Defendants knew, or should have known, such was, and is due to Plaintiff.

28. The fact that Defendant previously paid plaintiff complete overtime compensation and then stopped paying complete overtime compensation evidences a willful and/or reckless intent to violate the FLSA.

29. Defendant failed to properly disclose or apprise Plaintiff's rights under the FLSA.

30. Due to the intentional, willful, unlawful acts of Defendant, Plaintiff suffered damages and lost compensation for his hours worked over forty (40) hours per work week, plus liquidated damages.

31. Plaintiff is entitled to an award of reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff, WILLIAM M. CHEESMAN, demands judgment against Defendant for unpaid overtime compensation, liquidated damages, reasonable attorneys' fees and costs incurred in this action, declaratory relief, and any and all further relief that this Court determines to be just and appropriate.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 28(b), Plaintiff hereby demands a trial by jury.

Dated this 15th day of September, 2021.

**/s/ Ben Whaley Le Clercq**  
**Ben Whaley Le Clercq, Esq.**

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